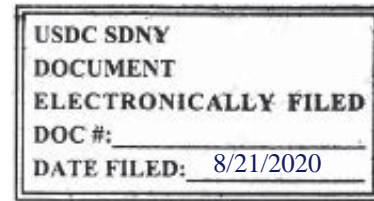


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



GE Transportation Parts, LLC,

Plaintiff,

—v—

Central Railway Manufacturing, LLC,

Defendant.

19-cv-4826 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On August 19, 2020, Plaintiff filed a motion to dismiss Defendant's amended counterclaims. Pursuant to Rule 3.F. of this Court's Individual Practices in Civil Cases, on or before August 29, 2020, Defendant must notify the Court and its adversary in writing whether (1) it intends to file an amended pleading and when it will do so or (2) it will rely on the pleading being attacked. Defendant is on notice that declining to amend its pleadings to timely respond to a fully briefed argument in Plaintiff's August 19 motion to dismiss may well constitute a waiver of the Defendant's right to use the amendment process to cure any defects that have been made apparent by Plaintiff's briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility").

If Defendant chooses to amend, Plaintiff may then (a) file an answer to Defendant's counterclaims; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: August 20, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN
United States District Judge